

### REMARKS

Claims 1-9, and 11-13 have been cancelled.

New claim 17 has been added.

Claims 10, 14-16, and 17 are the only claims of record.

Claims 10 and 14-16 have been amended, either directly or indirectly, to more clearly define applicants invention and to distinguish the same from the prior art of record.

Favorable consideration of the application, as amended, is respectfully requested.

The base claim (Amended Claim 10) contains the limitations of originally presented claim 13, which was rejected by the Examiner under the provisions of 35 U.S.C. 102(b) as being anticipated by Foley (U.S. 3,517,912).

The Examiner stated that Foley discloses a device usable as an artificial reef comprising a main body, having inner spherical member 10, and an outer spherical member 22, a plurality of aperture 24, and an insert 12 snugly disposed in each of the apertures for receiving a plurality of elongate members 18. The elongate members are hollow, Figure 2, and have different lengths, Figure 3.

The conclusion that the reference to Foley discloses a device usable as an artificial reef is clearly without foundation. A careful reading of the Foley reference discusses the disclosed device as a non-lethal protective device easily stored and carried which prevents attacks by persons and animals which may be thrown to cause a number of arms to instantly extend and form a barrier between a person and a would-be attacker.

More specifically, the Foley device includes a series of coils formed of strips of thin sheet steel. One end of the strip is fastened to a tube and the other end may be caused to be released to extend to form a rigid convolute arm.

There is no teaching nor suggestion of how the device could be used as an artificial reef as stated in the Examiner's conclusion. And further, it is difficult, if not impossible, to perceive the parallel between a coil of a strip of thin sheet steel with the elongate members of applicants' artificial reef.

It is submitted that the teachings of the Foley reference do not anticipate the structure defined in amended Claim 10 and Claims 14-16 which depend directly or indirectly from Claim 10. Favorable reconsideration of the amended claims is respectfully requested.

Newly submitted Claim 17 is directed to a method of making an artificial reef. The claimed method is not taught nor suggested in any of the prior art of record and should be allowed along with the other claims noted above.

No new matter has been added.

While applicants' attorney has made a sincere effort to incorporate the appropriate definitive and distinguishing language in the claims remaining in the application, should the Examiner consider that other language would be more appropriate, a telephone interview is requested in an attempt to facilitate and expedite the allowance of the application.

Since it is considered that the claims presently of record clearly define applicants' invention and distinguish it from the prior art, it is submitted that the application is in condition for allowance. An early Notice of Allowance is respectfully solicited.